

SCOTT LAW FIRM  
1375 SUTTER STREET, SUITE 222  
SAN FRANCISCO, CA 94109

JOHN HOUSTON SCOTT (SBN 72578)  
LIZABETH N. de VRIES (SBN 227215)

**SCOTT LAW FIRM**

1375 Sutter Street, Suite 222  
San Francisco, California 94109  
Telephone: (415) 561-9600  
Facsimile: (415) 561-9609  
[john@scottlawfirm.net](mailto:john@scottlawfirm.net)  
[liza@scottlawfirm.net](mailto:liza@scottlawfirm.net)

ERIC SAFIRE, (SBN 98706)  
**LAW OFFICES OF ERIC SAFIRE**  
2431 Fillmore Street  
San Francisco, CA 94115  
Telephone: (415) 292-1940  
Facsimile: (415) 292-1946  
[eric@safirelaw.com](mailto:eric@safirelaw.com)

Attorneys for the Plaintiffs

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

PATRICIA DESANTIS, individually and as  
Successor in Interest for RICHARD  
DESANTIS, deceased, and as Guardian Ad  
Litem for DANI DESANTIS, a minor and  
TIMOTHY FARRELL, a minor,

Plaintiffs,

v.

CITY OF SANTA ROSA, *et al.*,

Defendants.

Case No.: C 07 3386 JSW

**PLAINTIFF'S NOTICE OF MOTION  
AND MOTION FOR PARTIAL  
SUMMARY ADJUDICATION**

[Fed. R. Civ. P. 56(c), 56(d)]

Date: October 17, 2008

Time: 9:00 a.m

Place: Courtroom 2, 17th floor

Judge: Jeffrey S. White

**TO DEFENDANTS AND THEIR ATTORNEYS OF RECORD:**

Notice is hereby given that on October 17, 2008, at 9:00 a.m., or as soon thereafter as  
counsel may be heard by the above-entitled court, located at 450 Golden Gate Ave., San  
Francisco, California, 94102, plaintiffs, will and hereby do move the Court for partial summary

1 adjudication pursuant to Rule 56(d). This motion is brought on the ground that plaintiffs are  
2 entitled to partial summary adjudication against Sgt. Richard Celli for liability and for the reasons  
3 set forth in plaintiffs' moving papers.

4 This motion is based on Plaintiffs' Memorandum of Points and Authorities, and the  
5 Declarations of John H. Scott ("Scott Declaration"), and expert witness Dr. Ron Martinelli  
6 ("Martinelli Declaration"). This motion is also based on the pleadings and papers on file in this  
7 action; such additional matters of which this Court may take judicial notice; and any additional  
8 argument and evidence as may be presented at the hearing.

9  
10 DATED: August 8, 2008

Respectfully submitted,

11 **SCOTT LAW FIRM**

12  
13  
14 By: /s/ John H. Scott  
JOHN HOUSTON SCOTT

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28 *F:\Cases\Cases - Active\DeSantis\Pleadings\SummaryAdjudication\Notice of Motion.doc*